

REMARKS

Claims 8-10 and 14-19 are pending. Applicants request reconsideration of the pending rejections in light of the following remarks.

The Examiner provisionally rejects claims 8-10 under the judicially created doctrine of obviousness-type double patenting over claims 8-10 of copending application 10/869,433 ("433 Application"). The provisional double patenting rejection is the only rejection remaining in this application. The MPEP (822.01) provides:

**ONLY PROVISIONAL DOUBLE PATENTING
REJECTION REMAINING IN ONE APPLI-
CATION**

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent. See also MPEP § 804.01 and § 822.

Hence, Applicants urge the Examiner to withdraw this provisional rejection and permit the application to issue as a patent.

The Examiner indicates that claims 14-19 are objected to as being dependent under a rejected base claim but would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. In view of the above-remarks, Applicants submit that all of the claims herein are in condition for allowance.

Serial No. 09/966,450

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is urged to contact the undersigned representative in the event minor amendments will further prosecution.

Respectfully submitted,

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DATED: March 1, 2005